

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
7

8 * * *

9 KIM BLANDINO,

Case No. 2:19-cv-01010-GMN-VCF

10 Petitioner,

11 v.

ORDER

12 LAS VEGAS DETENTION CENTER, *et al.*,

13 Respondents.

14 This habeas action comes before the Court for initial review.

15 The papers presented are subject to multiple deficiencies.

16 First, petitioner has not properly commenced this civil action by either paying the
17 \$5.00 filing fee or submitting a properly completed pauper application.

18 Second, petitioner did not file his petition on the Court's required petition form, as
19 required by Local Rule LSR 3-1.

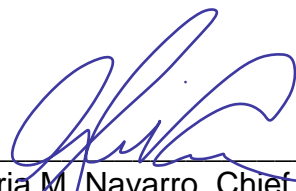
20 Third, petitioner did not name a proper respondent. Under Rule 2(a) of the Rules
21 Governing Section 2254 Cases, petitioner must name as respondent the state officer who
22 has custody of him under the challenged state-court judgment. *See also Rumsfeld v.*
23 *Padilla*, 542 U.S. 426 (2004). Petitioner named the Las Vegas Detention Center and City
24 Attorney Brad Jerbie. Neither is his custodian under the challenged judgment. The
25 detention center, in particular, is a building, not an officer.

26 IT IS THEREFORE ORDERED that the Clerk shall file the petition and that
27 petitioner shall have thirty (30) days from entry of this order within which to both: (1) pay
28 the \$5.00 filing fee or submit a properly completed application to proceed *in forma*

1 *pauperis*; and (2) file an amended petition on the Court's required petition form that names
2 a proper respondent. This action will be dismissed without further advance notice if
3 petitioner fails to timely comply fully with this order.¹

4 The Clerk shall SEND petitioner: (a) two copies each of a pauper form for an
5 inmate and a § 2254 petition form; (b) one copy of the instructions for each form; and (c)
6 a copy of the papers that he filed.

7 DATED THIS June 15, 2019

8
9
10 
11 _____
12 Gloria M. Navarro, Chief Judge
13 United States District Court
14
15
16
17
18
19
20
21
22
23
24
25
26

27 _____
28 ¹ The filing of the petition pursuant to this order does not reflect that either the
petition or this action is free of deficiencies.